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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,489	09/30/2003	Jeyhan Karaoguz	14305US02	6006

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EXAMINER

RYAN, PATRICK A

ART UNIT	PAPER NUMBER
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2609

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,489

Applicant(s)

KARAOGUZ ET AL.

Examiner

Patrick A. Ryan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS; WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-31 are presented for examination.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Incorporated reference (Attorney Docket No. 14276US02) and incorporated reference (Attorney Docket No. 14306US02) are disclosed in paragraph [47] of the specification.

Drawings

3. The drawings are objected to because "Remote Control 108", as disclosed in Paragraphs [31 and 32], is not shown in Figure 1. Figure 1 contains a Remote Control 111, Remote Control 112, and a Media Exchange Platform 108. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the

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appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:
5. The specification does not distinctly define (as it appears in Paragraphs [08, 11, 26, and 89] of the specification and as claimed in Claims 2, 12, 22) a "function preformed at least in part outside the home." Without further disclosure as to the nature of the "function" and who or what is performing the function "outside the home", the best understood meaning in the art of invention of a "function preformed at least in part outside the home" will be used in the interpretation of Claims 2, 12, and 22.
6. The specification does not distinctly define (as it appears in paragraphs [11 and 88] of the specification) the characteristics of each of the claimed processors of Claim

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31; "a media processing system processor, a media peripheral processor, a customized computer processor, a storage system processor and a customized computer executing media exchange software processor." Without further disclosure as to the distinctness of each claimed processor in Claim 31, each claimed processor will be treated as indistinguishable and therefore the broadest reasonable interpretation of a processor will be used in the interpretation of Claim 31.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-31 rejected under 35 U.S.C. 102(e) as being anticipated by Proehl et al. (US Patent 6,990,676 B1), hereinafter Proehl.

9. In reference to Claim 1, Proehl teaches a method for providing information related to a broadcast television program, the method comprising: generating an announcement (scrolling ticker region 566 of Figure 9 as described in Col 12 Lines 6-8); delivering said announcement along with the broadcast television program for display on a television screen within a home (picture-in-picture (PIP) region 569 of Figure 9 as described in Col 12 Lines 3-6); and receiving an input from a user that selects a function

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which corresponds to the delivered announcement (such as "Article Summary" icon 567 as described in Col. 12 Lines 9-29).

10. In reference to Claim 2, Proehl teaches a method of performing the function at least in part outside of the home (Internet service provider 24 of the network shown in Figure 1 as described in Col. 4 Lines 38-47) in response to the input received from the user.

11. In reference to Claim 3, Proehl teaches a method of determining whether the user selects or accepts the function (by way if remote control 14 shown in Figure 3 and described in Col. 9 Lines 32-52).

12. In reference to Claim 4, Proehl teaches a method of determining if the received input selection accepts the function ("tune to channel 112" command as described in Col 14 Lines 56-65), and if so, transferring media associated with the function to a display on the television screen (television screen 16 of Figure 1 as described in Col. 14 Lines 65-66).

13. In reference to Claim 5, Proehl teaches a method of transferring the media concurrently with viewing of the broadcast television program (decimated video region 652 of Figure 13A as described in Col 14 Lines 36-39).

14. In reference to Claim 6, Proehl teaches a method where the user input is a code representative of the function (decryption key contained on smart card 214 as described in Col. 5 Lines 34-47).

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15. In reference to Claim 7, Proehl teaches a method where the input is generated from at least one of a remote control, a keyboard, a scanning device, and an audio processing device (remote control 14 and peripheral devices 32 shown in Figure 1).

16. In reference to Claim 8, Proehl teaches a method of generating supplemental information related to the broadcast television program (sensory data generated by processing element 200 as described in Col. 11 Lines 18-24) in response to the received input.

17. In reference to Claim 9, Proehl teaches a method of presenting the supplemental information to the user (information region 654 of Figure 13A as described in Col. 14 Lines 38-47).

18. In reference to Claim 10, Proehl teaches a method of presenting the supplemental information to the user concurrently with the broadcast television program (information region 654 displayed next to decimated video region 652 as shown in Figure 13A).

19. In reference to Claims 11-20, Proehl teaches a machine-readable storage having stored thereon, a computer program having at least one coded section for providing information related to a broadcast television program (ROM 224 of Figure 2A as described in Col. 6 Lines 23-55), the at least one coded section being executable by a machine (integrated DSS/WebTV receiver 12 shown in Figure 2A as described in Col. 4 Lines 33-38) for causing the machine to perform the method of Claims 1-10.

20. In reference to Claim 21-30, Proehl teaches a system for providing information related to a broadcast television program (entertainment system 10 of Figure 1 as

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describe in Col. 4 Lines 15-32), the system comprising: at least one processor that generates an announcement (DSS processing element 200 of Figure 2A as described in Col. 8 Lines 19-22); the at least one processor that delivers the announcement along with the broadcast television program for display on a television screen within a home (Internet processing element 202 of Figure 2A as described in Col. 4 Lines 25-48); and the at least one processor that receives an input from a user that selects a function which corresponds to the delivered announcement (CPU 404 of Figure 4 as described in Lines 47-49), wherein the at least one processor executes the method of Claims 1-10.

21. In reference to Claim 31, Proehl teaches a processor which is a media management system processor (processing elements of Figure 2C as described in Col. 8 Lines 49-61).

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

23. US Patent Number 6,766,956 B1, Boylan, III et al., teaches a method and system of displaying information associated with a broadcast event. The system includes an optical scanning device used to read various barcodes associated with a number of goods, services, or products.

24. US Patent Number 6,542,695 B1, Akiba et al., teaches a system and method of simultaneously displaying one broadcast signal and recording a second broadcast signal on the same medium.

25. US Patent Application Publication 2004/0205698 A1, Schliesmann et al., teaches a system and method of displaying a message to the user, which alerts the user of an event in a separate broadcast, based on predetermined preferences configured by the user. These events are represented by code strings, which contain all information pertaining to the event.

26. US Patent Application Publication 2003/0188310 A1, Klosterman et al., teaches a system and method of displaying information, which can relate to broadcast program content or other information determined by the user, such as a weather forecast.

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Interactive choices can be provided with an informational announcement, which allow the user to perform additional tasks, such as "Auto Tune" and "Record".

27. US Patent Application Publication 2003/0135855 A1, Faihe, teaches a method of program suggestion with a Picture-in-Picture interface allowing a text based message to be displayed within a broadcast program. The text based message is based on preferences established in a user's profile and can suggest other programming content related to the current broadcast channel.

28. International Application Number WO 01/50739, Rashkovskiy, teaches a method and system of switching between a first and second broadcast channel. The switching event can be triggered by key word flag events based on a user's profile. The user can be prompted to do a number of actions based on an announcement event.

29. European Patent Application EP 0912053, De Saint Marc, teaches a system and method of transmitting digital information on a plurality of channels. This digital information includes real time event messaging on one or more channels.


30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Ryan whose telephone number is (571) 270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PAR
September 28, 2007



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